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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 3rd April, 2013

No.4970/L.A.,—The following Bill which has been introduced in the Odisha Legislative Assembly on the 2nd April, 2013 is herewith published under Rule 68 of the Rules of Procedure and conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA GOVERNMENT LAND SETTLEMENT
(AMENDMENT) BILL, 2013**
**A
BILL**
FURTHER TO AMEND THE ODISHA GOVERNMENT
LAND SETTLEMENT ACT, 1962

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows:—

Short title. **1.** This Act may be called the Odisha Government Land Settlement (Amendment) Act, 2013

Amendment of section 2. **2.** In the Odisha Government Land Settlement Act, 1962 (hereinafter referred to as the principal Act), in section 2, in clause (b-2), —

Odisha Act 33 of 1962.

- (i) for the words “any person” the words “an individual” shall be substituted; and
- (ii) after the words “specify in that behalf” occurring at the end, the words “and includes any company or association or body of individuals whether incorporated or not or any local authority” shall be added.

Amendment of section 3-B. **3.** In the principal Act, for section 3-B, the following section shall be substituted, namely: —

“3-B. Any officer authorized under clause (e) of section 3 may resume any land settled by him, if he has reasons to believe that—

(a) the person with whom the land was settled, has used it for any

purpose other than that for which it was settled; or

- (b) the person, other than homesteadless person or landless agricultural labourer, has not used the land for a period exceeding three years from the date of such settlement,

and may impose a penalty of an amount not exceeding one thousand rupees on such person:

Provided that no order under this section shall be passed without giving such person a reasonable opportunity of being heard in the matter:

Provided further that any land settled prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2013, if not used within a period of three years from the date of such commencement, the authorized officer shall resume such land.”.

Amendment
of
section 7-A.

4. In the principal Act, in section 7-A, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Notwithstanding anything contained in this Act or any other law, the Collector may, on his own motion or otherwise, call for and examine the records of any proceeding, in which any authority subordinate to him has passed an order under this Act, for the purpose of satisfying himself that any such order was not passed under a mistake of facts or owing to a fraud or misrepresentation or on account of any material irregularity of procedure and may pass such order thereon as he thinks fit:

Provided that no order shall be passed under this sub-section unless the person affected by the proposed order has been given a reasonable opportunity of being heard in the matter.”.

STATEMENT OF OBJECTS AND REASONS

With a view to govern settlement of Government waste lands in uniform and planned manner giving overriding effect over the provisions of various laws in force in various parts of the State, the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) (hereinafter referred to as the said Act) was enacted.

In clause (b-2) of section 2 of the said Act, the word “person” as defined, refers to only natural person. When any land is settled in favour of any institution or organization or authority or department, the same cannot be resumed if fallen vacant for indefinite period, without being used for the purpose for which it is settled. Further, the provisions in the Rules framed under the said Act may not be treated to be in accordance with the Act. It is therefore proposed to include any company or association or body of individuals whether incorporated or not or any local authority in the definition of the word “person” to maintain parity between the said Act and Rules framed thereunder.

Section 3-B of the said Act provides for resumption of lands as well as imposition of penalty, where the authority has reasons to believe that the person with whom the land was settled has used the land for any purpose other than that for which it was settled. The provision is silent for cases, where a person with whom land is settled does not use it or keeps the land vacant indefinitely. In absence of specific provisions to deal with such situations, the lessees of such land are getting scope to keep the land vacant or unused indefinitely and the very purpose of settlement of Government lands is being defeated. Hence, it is proposed to provide that if a land has not been used for the purpose for which it was settled for a period exceeding three years from the date of such settlement, such land may be resumed by the officer authorized for the purpose. But, since immediate use of those lands after commencement of the proposed amendment which were lying vacant by the persons with whom such lands were settled may not be possible, it is further proposed to allow them at least three years’ time from the date of commencement of the proposed amendment for use of the land for the purpose for which it was settled, after which resumption process may be started. It is also proposed to enhance the penalty amount from the present one hundred rupees to one thousand rupees.

However, the proposed amendment to section 3-B will not be applicable to settlement of Government land with homesteadless persons or landless agriculture labourers.

The second proviso to sub-section (3) of section 7-A of the said Act provides that no proceeding under the said sub-section shall be initiated after the expiry of fourteen years from the date of the order. But, such limitation restricts for initiation of proceedings after expiry of a period of fourteen years from the date of the order which helps unscrupulous persons to grab the Government land without being proceeded against. In order to remove such difficulties, it is proposed to amend sub-section (3) of section 7-A of the said Act.

The Bill seeks to achieve the above objectives.

SURJYA NARAYAN PATRO
Member-in-Charge

A. K. SARANGI
Secretary
Odisha Legislative Assembly